

10592921

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference J3747 (C)	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/EP2005/001454	International filing date (day/month/year) 10 February 2005 (10.02.2005)	Priority date (day/month/year) 17 March 2004 (17.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant UNILEVER PLC			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

Date of issuance of this report 19 September 2006 (19.09.2006)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Agnes Wittmann-Regis
Facsimile No. +41 22 338 82 70	e-mail: pt06@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

REC'D 07 JUL 2005

WRITTEN ~~OPINION OF THE~~ PCT  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

FOR FURTHER ACTION  
See paragraph 2 below

International application No.  
PCT/EP2005/001454

International filing date (day/month/year)  
10.02.2005

Priority date (day/month/year)  
17.03.2004

International Patent Classification (IPC) or both national classification and IPC  
A61K7/08

Applicant  
UNILEVER PLC

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Szarek, S

Telephone No. +49 89 2399-8219



**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/001454

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V.**

Reference is made to the following documents:

D1 : WO 03/060046  
D2 : EP 0 234 475

1. The subject-matter of claims 1 to 11 is new and involves an inventive step according to Article 33(2) et 33 (3) PCT.

**1.1 Novelty**

Claim 1 is directed to aqueous hair conditioning compositions comprising:  
(a) a mono (C14-C22)-alkyl trimethylammonium surfactant (cetrimonium),  
(b) a di-(C20-C24)alkyl imidazoline quaternary surfactant and  
(c) a mono-(C12-C22)-alkyl hydroxyethyl dimethylammonium surfactant (hydroxyethyl cetyltrimonium phosphate).

None of the cited document discloses a composition comprising (a) + (b) + (c). WO 03060046 discloses hair conditioning compositions comprising (a) and (b). The combination of (a) and (b) provides enhanced performance in hair conditioning. EP 0234475 discloses hair conditioning compositions containing (c). The component (c) is used as both conditioning agent and foaming agent in an amount of from 0.6 % to 5 %.

The subject-matter of claims 1-11 is therefore new.

**1.2 Inventive step**

WO 03060046 is considered as the closest prior art. This document discloses hair conditioning compositions comprising (a) and (b). The combination of (a) and (b) provides enhanced performance in hair conditioning. The missing technical feature is the component (c). The comparative examples (page 26) show that the presence of (c) provides a better conditioning and feel.

EP 0234475 discloses hair conditioning compositions containing (c). The component

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.  
**PCT/EP2005/001454**

(c) is used as both conditioning agent and foaming agent. The document also teaches that the hydroxyethyl cetylmonium phosphate (c) replaces the standard quaternary ammonium chloride conditioning agents (like (a) and (b)), but small amounts of (a) or (b) (less than 0,5 %) may be retained. However, this document also teaches that the amount of (c) to be used is from 0,6% to 5 %. Therefore it would not have been obvious for the man skilled in art to arrive at the claimed composition comprising from 0,0001 to 0,5 % of (c). The subject-matter of claims 1 to 11 involves an inventive step.

10592921

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

REC'D 07 JUL 2005

WRITTEN ~~OPINION OF THE~~ PCT  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

## FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/EP2005/001454

International filing date (day/month/year)

10.02.2005

Priority date (day/month/year)

17.03.2004

International Patent Classification (IPC) or both national classification and IPC  
A61K7/08

Applicant  
UNILEVER PLC

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Szarek, S

Telephone No. +49 89 2399-8219



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/001454

**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/001454

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V.**

Reference is made to the following documents:

D1 : WO 03/060046  
D2 : EP 0 234 475

1. The subject-matter of claims 1 to 11 is new and involves an inventive step according to Article 33(2) et 33 (3) PCT.

**1.1 Novelty**

Claim 1 is directed to aqueous hair conditioning compositions comprising:  
(a) a mono (C14-C22)-alkyl trimethylammonium surfactant (cetrimonium),  
(b) a di-(C20-C24)alkyl imidazoline quaternary surfactant and  
(c) a mono-(C12-C22)-alkyl hydroxyethyl dimethylammonium surfactant (hydroxyethyl cetyltrimonium phosphate).

None of the cited document discloses a composition comprising (a) + (b) + (c). WO 03060046 discloses hair conditioning compositions comprising (a) and (b). The combination of (a) and (b) provides enhanced performance in hair conditioning. EP 0234475 discloses hair conditioning compositions containing (c). The component (c) is used as both conditioning agent and foaming agent in an amount of from 0.6 % to 5 %.

The subject-matter of claims 1-11 is therefore new.

**1.2 Inventive step**

WO 03060046 is considered as the closest prior art. This document discloses hair conditioning compositions comprising (a) and (b). The combination of (a) and (b) provides enhanced performance in hair conditioning. The missing technical feature is the component (c). The comparative examples (page 26) show that the presence of (c) provides a better conditioning and feel.

EP 0234475 discloses hair conditioning compositions containing (c). The component

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.  
**PCT/EP2005/001454**

(c) is used as both conditioning agent and foaming agent. The document also teaches that the hydroxyethyl cetyltrimonium phosphate (c) replaces the standard quaternary ammonium chloride conditioning agents (like (a) and (b)), but small amounts of (a) or (b) (less than 0,5 %) may be retained. However, this document also teaches that the amount of (c) to be used is from 0,6% to 5 %. Therefore it would not have been obvious for the man skilled in art to arrive at the claimed composition comprising from 0,0001 to 0,5 % of (c). The subject-matter of claims 1 to 11 involves an inventive step.